DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Daniel R. Garodnick, *Director*
Department of City Planning

March 28, 2023

POSITIVE DECLARATION

Project Identification
MSK Pavilion
CEQR No. 23DCP118M
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
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Name, Description and Location of Proposal:

MSK Pavilion
The Applicant, Memorial Sloan Kettering Cancer Center (MSKCC), is requesting a series of zoning actions including a rezoning of a 40,168-square-foot (sf) section of its Large Scale Community Facility Development (LSCFD) from R8 to R9; zoning text amendments, authorizations and special permits; and a modification to the LSCFD to facilitate the development of a new inpatient hospital building for MSKCC (the Proposed Project) on the east end of the block bounded by York and First Avenues and East 66th and East 67th Streets (Block 1461, Lot 21) (the Development Site) in the Upper East Side neighborhood of Manhattan Community District 8. The Proposed Project would contain a new 31-story building of approximately 901,193 gross square feet (gsf) of community facility floor area, and would rise to a maximum building height of 590 feet (including mechanical bulkhead).

The Proposed Project, also referred to as the "MSK Pavilion," is intended to be devoted entirely to patient care for those whose cancer treatments cannot be addressed through MSKCC's extensive network of ambulatory services on the Main Campus and neighboring and regional facilities. The Proposed Project would provide 28 operating/procedural suites, including recovery and intensive care facilities on 11 floors and approximately 202 in-patient beds for acutely ill patients on 9 floors. In addition, there would be four clinical support floors and five mechanical floors distributed throughout the building. The Proposed Project would have a lobby space along the east side of the building and a proposed two-story bridge connecting floors 5 and 6 of the Proposed Project with floors 8 and 9 of the Memorial Hospital building (across East 67th Street) which would serve as the primary connector for patients and staff in either building to access medical services in the other building.

The Proposed Project would be located on Lot 21 and would replace the Scholars and Sloan

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buildings, which provide contract housing for MSKCC staff as well as administrative offices. The west-adjacent Rockefeller Research Laboratories building (RRL) on Lot 14 would continue in its research functions. However, there would be modifications to its below grade garage and its ground level to create garage egress to East 67th Street. The garage under both sites would continue to provide 263 spaces available exclusively to staff, patients, and visitors on a valet basis. RRL would lose some ground-floor conference room space (approximately 2,080 gsf) to accommodate the new garage exit. Public entrances to the Proposed Project would be located on East 67th and East 66th Streets just off York Avenue, and on the proposed through-block driveway and drop-off area. The entrance to the one-way southbound driveway would be through a new curb cut on East 67th Street and the exit would be through a new curb cut on East 66th Street. The garage would continue to operate with its existing number of spaces, but it would have an optimized layout for improved maneuverability. The garage entrance would continue to be on East 66th Street, similar to existing/No Action conditions, but the exit would be relocated to East 67th Street. There would be a total of four service bays (including three loading docks): three on East 67th Street that would be accessed via two new curb cuts and one on East 66th Street (also via a new curb cut).

The Proposed Actions are limited to the Project Area which exclusively contains Applicant-controlled sites and would not result in development beyond that proposed for the Development Site. Since the Proposed Actions would only apply to the Development Site, there would be no other "affected sites" that would be potentially developed as a result of the Proposed Actions.

Specifically, the Proposed Actions are:

- Zoning map amendment to rezone Block 1461, Lot 13 and the western portion of Lot 21 from R8 to R9.
- Zoning text amendment to ZR Section 79-43 to authorize CPC, by special permit, to permit modification of regulations relating to lot coverage and signage within an LSCFD.
- Modification pursuant to ZR Section 79-21 of the 2001 LSCFD Site Plans and zoning calculations previously authorized by CPC (C 010548ZSM, N 010549ZAM) to authorize the maximum permitted floor area for all zoning lots within the LSCFD to be distributed without regard for zoning lot lines.
- Authorizations pursuant to ZR Section 79-21 to allow for the location of a new 31-story inpatient hospital building within the 2001 LSCFD without regard for (a) height and setback regulations and (b) rear yard regulations to facilitate construction of the Proposed Project.
- Special permit pursuant to ZR Section 79-43, as amended, to permit modifications of regulations relating to height, setback, lot coverage, and signage to facilitate construction of the Proposed Project.
- Modification as required to the 2001 LSCFD Restrictive Declaration, Drawings, and Approvals (2001 Approvals).

In addition, a Revocable Consent from the New York City Department of Transportation is necessary for the bridge over East 67th Street.

The Proposed Project would additionally require a Certificate of Need from the New York State Department of Health (DOH). A coordinated review will be conducted.

Absent the Proposed Actions, no changes would occur in the Project Area, and existing conditions would remain.

The analysis year of the Proposed Actions is 2030.

Statement of Significant Effect:
On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following areas, and that an environmental impact statement will be required: land use, zoning and public policy; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character and construction.

The Proposed Actions would not result in significant adverse impacts related socioeconomic conditions; natural resources; solid waste and sanitation services; and energy.

Supporting Statement:
The above determination is based on an Environmental Assessment Statement prepared for the actions which finds that:

1. Land Use, Zoning and Public Policy – The Proposed Actions, include a zoning map amendment, a zoning text amendment, zoning authorizations and special permits to modify height, setback, lot coverage, rear yard and signage requirements, and modifications to the LSCFD Site Plans, would affect the land use, zoning and public policies within the Project Area. The Proposed Actions could have the potential to result in significant adverse impacts related to land use, zoning, and public policy.

2. Socioeconomic Conditions – The Proposed Actions would not cause indirect residential displacement, direct or indirect business displacement, and would not have adverse effects on a specific industry. The Proposed Actions would directly displace fewer than 500 residents in the residential units currently occupying the Development Site. Tenancy in the existing contract housing (Sloan and Scholars buildings) on the Development Site is transient in nature and would be relocated to other MSK affiliated sites under the Proposed Project, and further analysis is not required. Therefore, the Proposed Actions would not have the potential to result in a significant adverse impact related to socioeconomic conditions, and further analysis is not warranted.

3. Community Facilities and Services – The Proposed Actions would not introduce new residential dwelling units and would not increase demand at public schools, publicly funded childcare facilities, libraries, or police and fire services. The Proposed Actions would have direct effects on MSKCC, a health care community facility. The Proposed Actions could have the potential to result in a significant adverse impact to community facilities and services.

4. Open Space – The Proposed Actions would introduce 657 workers, 240 patients and 480 daily visitors to the project area, which exceeds the threshold of 500 additional non-residents generated by a Proposed Project. Therefore, an indirect analysis of open space is warranted. The Proposed Actions could have the potential to result in a significant adverse impact on open space.

5. Shadows – The Proposed Actions would introduce a building taller than 50 feet, which is above the threshold for shadows analysis on potential sunlight sensitive resources in the Project Area which could result in new incremental shadows on a sunlight-sensitive resources. The Proposed Actions could have the potential to result in a significant adverse impact on shadows.

6. Historic and Cultural Resources – The Landmarks Preservation Commission (LPC) has determined that there are no archaeological concerns for the Project Area, and no further archaeological analysis is required. The Proposed Actions would result in new construction within close proximity to known architectural resources, including the Rockefeller University Campus. The Proposed Actions could have the potential to result in a significant adverse impact on historic and cultural resources.

7. Urban Design and Visual Resources – The Proposed Actions could result in physical changes to the Project Site beyond the bulk and form currently permitted as-of-right. These changes could affect the pedestrian's experience of public space, requiring an urban design assessment. Therefore, the Proposed Actions could result in a significant adverse impact related to urban design and visual resources.

8. Natural Resources – The Proposed Actions would not result in construction on a site containing or adjacent to a natural resource. Therefore, no thresholds were met for an analysis of natural resources, and the Proposed Actions would not result in significant adverse impacts related to natural resources.

9. Hazardous Materials – The Proposed Actions would result in new construction including new in-ground excavation and subsurface disturbance within the Project Area. Therefore, the Proposed Actions could result in a significant adverse impact on hazardous materials.

10. Water and Sewer Infrastructure – The Proposed Actions would not exceed the threshold for a significant adverse impact to water supply, and the Proposed Project is not located in an area that experiences low water pressure. The Proposed Actions would result in an incremental increase of more than 250,000 sf of community facility space, exceeding the threshold for a sewer system analysis. Therefore, the Proposed Actions could result in a significant adverse impact on wastewater and stormwater infrastructure.

11. Solid Waste and Sanitation Services – The Proposed Actions would not result in a substantial increase to solid waste production that would overburden available waste management capacity and would not result in solid waste generation greater than the threshold of 50 tons per week. Therefore, no significant adverse impacts related to solid waste and sanitation services are anticipated.

12. Energy – The Proposed Actions would not affect the transmission or generation of energy. The project's projected energy use is estimated to be 175 billion BTUs per year in the Development Site, which is below the analysis thresholds specified in the CEQR Technical Manual. Therefore, the Proposed Actions would not result in a significant adverse impact related to energy.

13. Transportation – A preliminary assessment of the Proposed Actions concluded that the Proposed Project would not result in a significant adverse impact for Citywide Ferry Service (CWFS), bus, subway, or railroad trip. The Proposed Actions would generate vehicular and pedestrian traffic during one or more peak hours and could have the potential to increase demand for parking. Therefore, a detailed analysis is warranted, and the Proposed Actions could result in significant adverse impacts on transportation.

14. Air Quality – The Proposed Project are not anticipated to exceed the project-generated vehicle trips screening thresholds for a significant adverse mobile source analysis. Additionally, the Proposed Project would not be within 200 feet of an atypical roadway and does include any new or additional off-street parking facilities, and no additional analysis is anticipated as a result of these conditions. An assessment of air quality impacts due to heating and hot water systems is warranted related to the Proposed Project's stationary sources. In addition, industrial emission sources within 400 feet of the Project Area or large and major sources of emissions within 1,000 feet of the project area will be evaluated. Therefore, the Proposed Actions could result in a significant adverse impact on air quality.

15. Greenhouse Gas (GHG) Emissions and Climate Change – The threshold for detailed analysis of GHG emissions is highly dependent on the nature of the project and its potential impact. The Proposed Project would exceed the development threshold of 350,000 sf, which warrants a GHG assessment. Based on the project location, the Project Area does not meet the requirements for a climate change impact. Therefore, the Proposed actions would not result in a significant adverse impact to climate change, and no further analysis is warranted. As a result of the preliminary screening, the Proposed Actions could result in a significant adverse impact on greenhouse gas emissions.

16. Noise – The Proposed Actions would introduce new noise-sensitive receptors in an area with existing high ambient noise levels. Additionally, the Proposed Actions would generate additional vehicular trips to and from the Project Area that could potentially impact existing and project-generated sensitive receptors within and in the vicinity of the Project Area. As a result, detailed noise analysis is warranted. Therefore, the Proposed Actions could result in a significant adverse impact on noise.

17. Public Health – The Proposed Actions could result in effects related to air quality, water quality, hazardous materials, or noise. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to public health.

18. Neighborhood Character – The Proposed Actions could affect land use, socioeconomic conditions, open space, urban design and visual resources, historic and cultural resources, transportation, and noise. As a result, the Proposed Actions could have the potential to result in a significant adverse impact related the affected area's neighborhood character.

19. Construction – The construction period for the Proposed Actions would be considered long term in duration (more than 24 months) and warrants a detailed analysis. Therefore, the Proposed Actions could have the potential to result in significant adverse impacts related to construction.

Public Scoping:
The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, April 27, 2023 at 2:00 PM. To continue to allow for broad public participation options, DCP will hold the public scoping meeting remotely. To join the meeting and comment, please visit NYC Engage (https://www1.nyc.gov/site/nycengage/events/index.page).

Written comments will be accepted by the lead agency through 5:00 PM, Monday, May 8, 2023.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact Louise Cafiero, at lcafiero@planning.nyc.gov.

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Environmental Assessment & Review Division
New York City Department of City Planning

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Date